

August 25, 2010

Management Plan Review Coordinator  
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Subject: Comments Related to Continued Management of the Hawaiian Islands  
Humpback Whale National Marine Sanctuary

Thank you for the opportunity to comment on the continued management of the Hawaiian Islands Humpback Whale National Marine Sanctuary. My comments are shaped by a professional career in ocean sciences, marine mammal science, and marine technical management and by twelve years (1998 – 2010) as the Honolulu representative to the Hawaiian Island Humpback Whale National Marine Sanctuary Advisory Council. My term on the Council included a prior Management Plan Review and, more recently, 3 years as Council Chair. My comments urge a two-pronged approach to enhance the Sanctuary's efforts on behalf of the North Pacific humpback whales: (1) do more for the whales (don't "add species" or change existing Sanctuary boundaries); and (2) manage to a clear plan to assure the highest level of protection for the North Pacific humpback whales in Sanctuary waters while the Management Plan Review process is underway.

**Do more for the whales.** The Hawaiian Islands Humpback Whale National Marine Sanctuary was formed to acknowledge the critical role that waters around the main Hawaiian Islands play for a significant portion of the North Pacific population of humpback whales. Sanctuary programs properly emphasize the whales and their well-being and should continue to emphasize whales first and foremost going forward. The idea to "add species" is wrong-headed for three reasons:

- The job with the whales is not done. The North Pacific population of humpback whales still face significant challenges from human interaction (particularly ship-strike), marine debris and entanglement, and from environmental degradation (particularly ocean acidification). The Sanctuary must continue to address these challenges to the humpback whale populations.
- No mandate. While Hawaiian monk seals, sea turtles and other species of whales and dolphins are attractive candidates for inclusion in the Sanctuary's purview, the mandate for protection of such species lies with the National Marine Fisheries Service and not the National Ocean Service (which includes the Office of Marine Sanctuaries). Fisheries has extensive programs in place for protection and management of these species and the benefits of adding another layer to the NOAA bureaucracy are not evident. Of course, Sanctuary staff will continue to work with their NOAA brethren to disentangle or rescue any species as required, but the Sanctuary has a clear mandate regarding the North Pacific humpback whales and should focus its efforts on that mandate.
- Chronic underfunding. "Adding species" can only dilute the resources available to protect the North Pacific population of humpback whales, yet the Sanctuary has been underfunded at least throughout the twenty-first century. The Sanctuary budgets have typically been 75 – 80% of annual funding requested in the last decade. Sanctuary management and staff have been magnificent improvisers in the face of declining budgets, but – as noted above – the whales'

needs remain large and largely unfulfilled. Allocation of adequate resources to programs for “added species” without diminishing the effort and emphasis provided the North Pacific population of humpback whales simply defies logic and cannot be justified or sustained.

**Manage to a clear plan.** Sanctuary management must assure the highest level of protection for the North Pacific humpback whales in Sanctuary waters while the Management Plan Review process is underway. Only a supreme bureaucracy like NOAA could conceive and endorse a 60-month process like the Management Plan Review and embark on the process without clear interim management objectives in place. Sanctuary management needs a plan for addressing today’s issues and those that emerge while the Management Plan is developed and reviewed. High level protection means addressing the critical issues of ship strike, marine debris and entanglement, and environmental degradation while looking ahead to implement programs in the waters of the main Hawaiian Islands and throughout the North Pacific. Specific guidelines to be considered and established include the following:

- Ship strike remains a major threat to the North Pacific humpback whales throughout their range. The Sanctuary staff and the state Department of Land and Natural Resources personnel have done an outstanding job of boater education to increase boater awareness of whales in Hawaiian waters, but the encounters continue. Clearly, excessive speed in the vicinity of whales can exacerbate the problem. Sanctuary management should consider, implement, and enforce a 14 knot speed limit in all Sanctuary waters from October 1<sup>st</sup> to the following March 31<sup>st</sup> each season. Such regulation can only increase the degree of “whale awareness” of boaters on Hawaiian waters and increase protection of the whales within the Sanctuary.
- Marine debris and entanglement continue as major threats to the North Pacific population of humpback whales. Sanctuary management should continue to develop plans to address the larger problem of entanglement beyond the Sanctuary boundaries and should consider and implement a policy prohibiting fixed structures or moorings within Sanctuary waters. The situation in the North Pacific is horrific enough for the migrating whales; it makes no sense to add to the whales’ problems in so-called “sanctuary” waters.
- Sanctuary management should foster and promote land-based, culturally relevant aquaculture practices (such as Hawaiian fish ponds) and prohibit all moored, offshore aquaculture facilities from Sanctuary waters. Insofar as the state of Hawaii has proven to be an unreliable partner with the Sanctuary in planning and recommending sites for open-ocean aquaculture facilities outside Sanctuary waters, Sanctuary management should make a clear prohibition of moored aquaculture structures within the Sanctuary boundaries. Furthermore, inasmuch as the existing moored aquaculture facility that is within Sanctuary waters has “morphed” far beyond its original scope and approved design, Sanctuary management should instigate proceedings to remove the facility from Sanctuary waters as soon as possible.
- The whales’ habitat in Hawaiian waters and throughout the North Pacific remains under constant threat of degradation through marine debris, ocean acidification, and dangerous land-derived inputs to the whales’ environment. Although some may argue that this degradation should include so-called “noise pollution”, there is no credible evidence that either operational or environmental acoustic changes in the environment affect the whales or threaten the whales’ continued well-being. Sanctuary management should develop and implement a comprehensive

plan of action to address the major environmental threats to the whales' habitat: marine debris, human-derived pollutants, and ocean acidification.

**Whales first.** Whales make the Sanctuary waters special. Sanctuary management must maintain and protect these waters to assure the whales' well-being and to emphasize the unique character of the environment year-round. This means programs focused on the conservation and enhancement of the North Pacific population of humpback whales wherever they may be. Inasmuch as the whales face common problems such as ship strike, entanglement and environmental degradation throughout their range, Sanctuary management must build programs with expanded scope to provide the Sanctuary aegis wherever the whales are in the North Pacific. Simply put, the Sanctuary programs should be evident and effective wherever the whales are. They are, after all, "our whales". The SPLASH research program and the Large Whale Entanglement Response Network are excellent examples of programs with strong Sanctuary-based leadership, broad geographic reach, and a fundamental focus on the whales. Sanctuary management should build on these successful programs and the extraordinary resourcefulness of Sanctuary personnel to advance humpback whale research and conservation throughout the North Pacific basin. But the focus must be on the humpback whales. Deviation from a single-species focus will not enhance the Sanctuary or make the Sanctuary's message more compelling. The work of the Hawaiian Islands Humpback Whale National Marine Sanctuary is far from complete. Sanctuary management must remain focused on the humpback whales and their continued well-being throughout their range in the North Pacific. Whales first, wherever they may be.

Sanctuary management faces continuing challenges in program development, support and execution. The efforts on to protect the whales and conserve their habitat require concentration, dedication and support from many quarters. However, experience indicates that the Management Plan Review process will take on a life of its own, seemingly requiring more attention and resources as the process unfolds. Perhaps the biggest challenge facing Sanctuary management, therefore, is to avoid this effort-sapping and resource-draining bureaucratic canard and remain focused on the real purpose of the Sanctuary, namely the whales and their well-being. Remember: Whales count. Sanctuary management must remain true to the Sanctuary's fundamental commitment to the whales first and foremost.

I wish you good fortune and wisdom as you proceed with your Management Plan Review.

With regards and aloha,

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